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IPIB AO 2016-07

April 21, 2016

SUBJECT: Holding More than One Position in Government

Kevin Kilgore  
1695 115<sup>th</sup> Street  
Diagonal, Iowa 50845

Dear Mr. Kilgore:

This opinion is in response to your letter of April 1, 2016, requesting an opinion from the Iowa Public Information Board (IPIB) pursuant to Iowa Code section 23.6 and rule 497—1.2. We note at the outset that IPIB's jurisdiction is limited to the application of Iowa Code chapters 21, 22, and 23, and rules in Iowa Administrative Code chapter 497. Advice in a Board opinion, if followed, constitutes a defense to a subsequent complaint based on the same facts and circumstances.

**FACTUAL STATEMENT:**

You advise us that there are certain restrictions in Iowa law on holding more than one elective office and various conflict of interest provisions. However, you are concerned about an individual holding more than one position in government regardless of whether the individual is elected, appointed, or hired. You are also concerned as to an individual holding a position in government while holding a position or office in the private sector.

**QUESTION:**

What restrictions are there on an individual holding more than one government position or interacting as a government official or employee with the individual's private sector interests?

**OPINION:**

The question you ask is not under the jurisdiction of the Board. Iowa Code chapters 21, 22, and 23 do not speak to individuals in government holding more than one position. In addition, the statutes and rules under the Board's jurisdiction do not speak to conflicts of interest except for administrative rule 497—1.4 that applies solely to the Board and the Board's staff.

**Board Members**

Robert Andeweg • Anthony Gaughan • Jo Martin • Andrew McKean • Gary Mohr • William Monroe  
Kathleen Richardson • Suzan Stewart • Peggy Weitzl

We suggest that you contact the Iowa Attorney General's office, the Iowa Ethics and Campaign Disclosure Board, or your county attorney concerning conflicts of interest or holding more than one government position.

BY DIRECTION AND VOTE OF THE BOARD

Suzan Stewart, Chair  
Kathleen Richardson, Vice Chair  
Robert Andeweg  
Anthony Gaughan  
Jo Martin  
Andrew McKean  
Gary Mohr  
William Monroe  
Peg Weitzl

Submitted by: W. Charles Smithson, IPIB Director